



CLERK, U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

ENTERED

THE DATE OF ENTRY IS ON
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed February 17, 2022


United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

In re:	§	Case No. 18-30264-SGJ-11
	§	Case No. 18-30265-SGJ-11
ACIS CAPITAL MANAGEMENT, L.P.,	§	
ACIS CAPITAL MANAGEMENT GP,	§	(Jointly Administered Under Case
LLC,	§	No. 18-30264-SGJ-11)
	§	
Debtors.	§	Chapter 11

ACIS CAPITAL MANAGEMENT, L.P.,	§	
ACIS CAPITAL MANAGEMENT GP,	§	
LLC, Reorganized Debtors,	§	
	§	Adversary No. 20-03060-SGJ
Plaintiffs,	§	
	§	
vs.	§	
	§	
JAMES DONDERO, FRANK	§	
WATERHOUSE, SCOTT ELLINGTON,	§	
HUNTER COVITZ, ISAAC LEVENTON,	§	
JEAN PAUL SEVILLA, THOMAS	§	
SURGENT, GRANT SCOTT, HEATHER	§	
BESTWICK, WILLIAM SCOTT, AND	§	
CLO HOLDCO, LTD.,	§	
	§	
Defendants.	§	

ORDER DENYING DEFENDANT GRANT SCOTT'S MOTION TO DISMISS

ORDER DENYING DEFENDANT GRANT SCOTT'S MOTION TO DISMISS

On February 9, 2022, the Court held a hearing regarding Defendant Grant Scott's Motion to Dismiss ("Motion"), [Dkt. #21], filed pursuant to Federal Bankruptcy Rule 7012(b)(6). The Motion is **DENIED**, the Court having considered the briefing, the arguments of counsel, and all relevant authority.

END OF ORDER

ORDER SUBMITTED BY:

/s/ Joseph Y. Ahmad

Joseph Y. Ahmad

ATTORNEY IN CHARGE

Texas Bar No. 00941100

Federal Bar No. 11604

Shawn M. Bates

Texas Bar No. 24027287

Federal Bar No. 30758

Alexander R. Hernandez

Texas Bar No. 24106086

AHMAD, ZAVITSANOS, ANAIPAKOS, ALAVI, & MENSING, P.C.

1221 McKinney St. Suite 2500

Houston, Texas 77010

(713) 655-1101 Telephone

(713) 655-0062 Facsimile

joeahmad@azalaw.com

sbates@azalaw.com

ahernandez@azalaw.com

Jeff P. Prostok

State Bar No. 16352500

J. Robert Forshey

State Bar No. 07264200

Suzanne K. Rosen

State Bar No. 00798518

FORSHEY & PROSTOK LLP

777 Main St., Suite 1550

Fort Worth, Texas 76102

(817) 877-8855 Telephone

(817) 877-4151 Facsimile

jprostok@forsheyprostok.com

bforshey@forsheyprostok.com

srosen@forsheyprostok.com

**COUNSEL FOR ACIS CAPITAL MANAGEMENT, L.P.
AND ACIS CAPITAL MANAGEMENT GP, LLC**

ORDER DENYING DEFENDANT GRANT SCOTT'S MOTION TO DISMISS

United States Bankruptcy Court
Northern District of Texas

Acis Capital Management, L.P.,
Plaintiff
Dondero,
Defendant

Adv. Proc. No. 20-03060-sgj

CERTIFICATE OF NOTICE

District/off: 0539-3

User: admin

Page 1 of 2

Date Rcvd: Feb 17, 2022

Form ID: pdf001

Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 19, 2022:

NONE

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
ust	+ Email/Text: ustpreion06.da.ecf@usdoj.gov	Feb 17 2022 21:15:00	United States Trustee, 1100 Commerce Street, Room 976, Dallas, TX 75242-0996

TOTAL: 1

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 19, 2022

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 17, 2022 at the address(es) listed below:

Name	Email Address
J. Robert Forshey	on behalf of Plaintiff Acis Capital Management GP LLC bforshey@forsheystok.com, calendar@forsheystok.com;jjones@forsheystok.com;jgonzalez@forsheystok.com;bforshey@ecf.courtdrive.com;calendar_0573@ecf.courtdrive.com
J. Robert Forshey	on behalf of Plaintiff Acis Capital Management L.P. bforshey@forsheystok.com, calendar@forsheystok.com;jjones@forsheystok.com;jgonzalez@forsheystok.com;bforshey@ecf.courtdrive.com;calendar_0573@ecf.courtdrive.com
Jason Alexander Enright	on behalf of Plaintiff Acis Capital Management GP LLC jenright@winstead.com

District/off: 0539-3
Date Rcvd: Feb 17, 2022

User: admin
Form ID: pdf001

Page 2 of 2
Total Noticed: 1

Jason Alexander Enright
on behalf of Plaintiff Acis Capital Management L.P. jenright@winstead.com

Jeff P. Prostok
on behalf of Plaintiff Acis Capital Management L.P. jprostok@forsheyprostok.com,
jjones@forsheyprostok.com;tlevario@forsheyprostok.com;calendar@forsheyprostok.com;calendar_0573@ecf.courtdrive.com;jpr
ostok@ecf.courtdrive.com

Jeff P. Prostok
on behalf of Plaintiff Acis Capital Management GP LLC jprostok@forsheyprostok.com,
jjones@forsheyprostok.com;tlevario@forsheyprostok.com;calendar@forsheyprostok.com;calendar_0573@ecf.courtdrive.com;jpr
ostok@ecf.courtdrive.com

John J. Kane
on behalf of Defendant CLO Holdco Ltd. jkane@krcl.com, ecf@krcl.com;jkane@ecf.courtdrive.com

John J. Kane
on behalf of Defendant Grant Scott jkane@krcl.com ecf@krcl.com;jkane@ecf.courtdrive.com

John Y. Bonds, III
on behalf of Defendant James Dondero john@bondsellis.com

Joseph Ahmad
on behalf of Plaintiff Acis Capital Management GP LLC joeahmad@azalaw.com, sbates@azalaw.com;ahernandez@azalaw.com

Joseph Ahmad
on behalf of Plaintiff Acis Capital Management L.P. joeahmad@azalaw.com, sbates@azalaw.com;ahernandez@azalaw.com

Melissa S. Hayward
on behalf of Interested Party Highland Capital Management L.P. MHayward@HaywardFirm.com, mholmes@HaywardFirm.com

Michael Justin Lang
on behalf of Defendant James Dondero mlang@cwl.law
nvazquez@cwl.law;aohlinger@cwl.law;jgonzales@cwl.law;vpatterson@cwl.law

Rakhee V. Patel
on behalf of Plaintiff Acis Capital Management GP LLC rpatel@winstead.com,
dgalindo@winstead.com;achiarello@winstead.com

Rakhee V. Patel
on behalf of Plaintiff Acis Capital Management L.P. rpatel@winstead.com, dgalindo@winstead.com;achiarello@winstead.com

Shawn M. Bates
on behalf of Plaintiff Acis Capital Management L.P. sbates@azalaw.com

Suzanne K. Rosen
on behalf of Plaintiff Acis Capital Management GP LLC srosen@forsheyprostok.com,
jjones@forsheyprostok.com;calendar@forsheyprostok.com;srosen@ecf.courtdrive.com;calendar_0573@ecf.courtdrive.com

Suzanne K. Rosen
on behalf of Plaintiff Acis Capital Management L.P. srosen@forsheyprostok.com,
jjones@forsheyprostok.com;calendar@forsheyprostok.com;srosen@ecf.courtdrive.com;calendar_0573@ecf.courtdrive.com

Zachery Z. Annable
on behalf of Interested Party Highland Capital Management L.P. zannable@haywardfirm.com

TOTAL: 19